

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HERMAN MARIGNY,

No. 3:16-cv-01921-PK

Petitioner,

ORDER

v.

RICHARD B. IVES, Warden,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Paul Papak issued a Findings and Recommendation [11] on January 17, 2017, in which he recommends that this Court deny Mr. Marigny's Petition for Habeas Corpus Relief [1] under 28 U.S.C. § 2254. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because neither party timely filed an objection to the Magistrate Judge's Findings and Recommendation, I am relieved of my obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v.*


Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings & Recommendation [11]. Accordingly, Mr. Marigny's Petition for Habeas Corpus Relief [1] is denied. Additionally, the Court declines to issue a Certificate of Appealability because Mr. Marigny has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 20 day of April, 2017.


MARCO A. HERNÁNDEZ
United States District Judge